



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,375	07/28/2003	Fang Hao	Hao 1-2-4 (LCNT/125103)	6538
46363 7590 08/14/2008 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702				
EXAMINER				
WILSON, ROBERT W				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
08/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/629,375

Applicant(s)

HAO ET AL.

Examiner

ROBERT W. WILSON

Art Unit

2619

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Robert W Wilson/
Examiner, Art Unit 2619

Continuation of 11, does NOT place the application in condition for allowance because: The applicant arguments request for reconsideration was considered but not considered persuasive for the following reasons:

First the examiner points out that the applicant has not specifically defined in the claim limitations what constitutes a reason for update or withdraw.

The examiner respectfully disagrees with the applicant's argument that Chen and RFC1771 fails to teach or suggest "transmitting reason information associated with route update or withdraw wherein the reason information comprises a reason for route update or withdraw".

The references teach: transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a reason for the route update or withdraw (Router per Fig 3 transmits message formats which are both router update and withdraw. Chen and RFC 1771 teaches three fields including unfeasible route length field, withdrawn routes and next hop attribute that includes a cost which is a part of local preference per Pgs 4-11, 30, & 36). The unfeasible routes length field has the reason for update or withdraw per Pgs 4-11. When the unfeasible route length field has a value other than zero then routes are unfeasible)

The contents or values in the three fields constitute a reason for update or withdraw and therefore all of the claim limitations are taught.

The applicant further argues Chen does not teach "reasons information identified and stored locally at a router for use by the router in determining whether or not to send a corresponding route update to neighboring routers" this is additional features which are specified in the applicant's specification but none of these features in claim limitations and therefore this argument not relevant because the features are not part of the claimed invention.

Next the applicant argues that the three fields taught in RFC 1771 are not reasons for update or withdrawn. The examiner respectfully disagrees because Chen and RFC 1771 teaches three fields including unfeasible route length field, withdrawn routes and next hop attribute that includes a cost which is a part of local preference per Pgs 4-11, 30, & 36. The unfeasible routes length field has the reason for update or withdraw per Pgs 4-11. When the unfeasible route length field has a value other than zero then routes are unfeasible

The contents or values in the three fields constitute a reason for update or withdraw and therefore all of the claim limitations are taught.

The applicant further argues Chen does not teach "reasons information identified and stored locally at a router for use by the router in determining whether or not to send a corresponding route update to neighboring routers" this is additional features which are specified in the applicant's specification but none of these features are in claim limitations and therefore this argument not relevant because the features are not part of the claimed invention.

The examiner respectfully disagrees with the applicant's argument that the combination of references do not teach all of the claimed limitations. Clearly from the explanation above all claimed limitations are taught.

The examiner is confused by applicant's argument that double patenting rejection would be submitted after indicating allowable subject matter. The MPEP specifically requires that the double patenting be written and provided into the record as soon as appropriate in order speed up prosecution. Clearly when double patenting rejection is required the examiner would never indicate allowable subject matter. Applicant's admission that they cannot evaluate the correctness of the double patenting rejection fails to meet the burden of providing a persuasive argument as to why that the double patenting rejection is not appropriate; consequently, the double patenting rejection has been maintained.